

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

EVERY WATT MATTERS, LLC and  
DRK ENTERPRISES, INC.,

Plaintiff,

v.

GLOBAL TECH, LLC and GARY K.  
MART,

Defendant.

CASE NO. 3:15-CV-05951-RJB

ORDER ON MOTION FOR  
ENLARGEMENT OF TIME TO FILE  
A RESPONSE TO PLAINTIFFS'  
COMPLAINT

This matter comes before the Court on Defendants' Motion for Enlargement of Time to File a Response to Plaintiffs' Complaint. Dkt. 6, 7. Defendants filed a Response. Dkt. 14. Plaintiffs did not file a Reply. The Court has considered the parties' responsive briefing and the remainder of the file herein.

The Court deduces the following sequence of events, based on the parties' representations: Plaintiff served the Complaint on Global Tech, LLC on November 29, 2015 and on Gary K. Mart on December 15, 2015; Defendants filed a Notice of Removal with this Court on December 29, 2015; on an unspecified date that preceded the filing of this motion, Defendants contacted

1 Plaintiffs by telephone to discuss extending the deadline to respond to the Complaint; Plaintiffs  
2 called Defendants' counsel on the afternoon of January 4, 2016, leaving a voicemail that informed  
3 Defendants of Plaintiffs' objection to an extension of time until February 15, 2016 but agreement  
4 to a shorter amount of time; Defendants filed this motion later in the day of January 4, 2016;  
5 Defendants state that they did not hear back from Plaintiffs prior to filing the motion; Defendants  
6 did not return Plaintiffs' phone call and did not file a Reply to the motion.

7 According to Defendants, the need to enlarge the time to respond to the complaint is  
8 necessitated by "the recent holidays; scheduling conflicts[;] . . . the time needed to investigate,  
9 review, research, and respond[;] . . . and the time needed to formulate a litigation strategy[.]" Dkt.  
10 6, at 2. *Same phraseology repeated at* Dkt. 6, at 2 and Dkt. 7, at 2. Plaintiffs argue that  
11 Defendants have not justified a longer extension, and that the "significant import of the issues in  
12 the case" warrants only a shorter extension. Dkt. 14, at 2.

13 Defendants ordinarily have 21 days from the date of service to respond to a complaint.  
14 Fed.R.Civ.P. 12(a)(1)(A). In removed actions, defendants who have not answered prior to  
15 removal must respond within 21 days from the date of removal. Fed.R.Civ.P. 82(c)(2). Courts  
16 may extend the time for a response upon a showing of good cause. Fed.R.Civ.P. 6(b)(1).

17 Defendants have not met their burden to enlarge the time until February 15, 2016.  
18 Without further explanation Defendants use generalities common to all litigation as the basis for  
19 their request: scheduling conflicts, the need to investigate, review, research, and respond, and  
20 formulating a litigation strategy. Defendants made an initial effort to communicate with  
21 Plaintiffs, which the Court commends, but Defendants ultimately did not return Plaintiffs' phone  
22 call on January 4, 2016 or thereafter. And even if Defendants were not inclined to call Plaintiffs  
23 after filing the motion, Defendants did not file a Reply brief, which could have addressed why a  
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1 longer amount of time is necessary. However, given the holidays and recent removal of the case  
2 to federal court, a brief enlargement of time should be permitted. A deadline of **February 3,**  
3 **2016** for Defendants to file their responses is appropriate.

4 \* \* \*

5 IT IS HEREBY ORDERED that Defendants' Motion for Enlargement of Time to File a  
6 Response to Plaintiffs' Complaint (Dkt. 6) is DENIED IN PART AND GRANTED IN PART.  
7 Defendants' response to the Complaint is due on or before February 3, 2016.

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9 The Clerk is directed to send uncertified copies of this Order to all counsel of record and  
10 to any party appearing *pro se* at said party's last known address.

11 Dated this 21<sup>st</sup> day of January, 2016.

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14 ROBERT J. BRYAN  
15 United States District Judge  
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